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A Limited Liability Partnership  
2 Including Professional Corporations  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
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11 ANNA BENINCASA dba ECLECTIC BY  
12 DESIGN and STEVEN MORALES,  
individuals,

13 Plaintiffs,

14 v.

15 RAIDER JEAN, L.L.C., a Texas limited  
16 liability company,

17 Defendant.  
18

Case No. C05-02266 JSW

1. **STIPULATION BY PLAINTIFFS  
AND DEFENDANT FOR RELIEF  
FROM CLERK'S ENTRY OF  
DEFAULT; and**  
2. **[PROPOSED] ORDER THEREON**

19 This stipulation for relief from default is entered by the clerk with respect to  
20 the following facts:

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22 1. At the request of the Plaintiff, the Clerk of this Court entered default  
23 on or about September 22, 2005, the same day that Defendant filed and served its answer.  
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25 2. In order to proceed expeditiously with the litigation of this case on the  
26 merits, the Plaintiffs and Defendant through their respective counsel, stipulate and agree,  
27 and request the Court's approval of their stipulation and entry of an order thereon, as  
28 follows:

1                   a. Defendant Raider Jean LLC shall be relieved from the clerk's  
2 entry of default, and such default shall be vacated and be of no further force or effect,

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4                   b. Defendant Raider Jean LLC has accepted service of the  
5 summons and original complaint, and

6  
7                   c. Defendant Raider Jean LLC responded to the complaint by  
8 filing an answer on the same day as the clerk's default was entered, September 22, 2005,  
9 and such answer shall be deemed served and filed on that date.

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11                  3. This stipulation is entered into by the Plaintiff and Defendants in good  
12 faith for the purpose of avoiding any default and disputes, and in order to avoid any  
13 unnecessary delay, or for any other improper purpose.

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1 IT IS SO STIPULATED.

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3 DATED: October 6, 2005

4 SHEPPARD MULLIN RICHTER & HAMPTON LLP

5  
6 By


  
NEIL A. SMITH

7  
8 Attorneys for Defendant  
Raider Jean LLC

9 DATED: October 7, 2005

10 LAW OFFICES OF LAWRENCE G. TOWNSEND

11  
12  
13 By

  
LAWRENCE G. TOWNSEND

14  
15 Attorneys for Plaintiffs Anna Benincasa, dba  
Eclectic by Design, and Steven Morales

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18 IT IS ORDERED THAT THE CLERK'S ENTRY OF DEFAULT IS VACATED, AND  
19 OF NO FUTURE FORCE AND EFFECT.

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21 Dated: October 12, 2005

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JEFFREY S. WHITE  
25 Judge, United States District Court  
Northern District of California